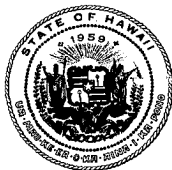


JOHN A. BURNS  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HAWAII 96801

April 24, 1974

REC'D B E.P.A.  
REGION IX  
COMM. CENTER

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HENRI P. MINETTE, M.P.H., DR.P.H.  
DEPUTY DIRECTOR OF HEALTH

Mr. Richard L. O'Connell  
Director, Enforcement Division  
U.S. Environmental Protection Agency  
100 California Street  
San Francisco, CA 94111

Dear Mr. O'Connell:

The proposed Memorandum of Understanding between your agency and the Department of Health regarding the operation of the NPDES by the State of Hawaii has been reviewed by this office. The following comments are offered for your consideration:

1. Paragraph H-4 of Section III is somewhat unclear. We suggest that it read, "If a proposed NPDES permit is modified as a result of the public notice or public hearing, a revised copy of the proposed NPDES permit shall be transmitted to the Agency for review prior to issuance."

2. Paragraph A of Section IV

If we are to maximize the utilization of our resources and avoid duplication of efforts, compliance monitoring should be conducted primarily by one agency for all issued NPDES permits including permits issued to federal facilities. Since the State has an ongoing compliance monitoring program which will be modified in accordance with federal guidelines, the State could conduct all required compliance monitoring with any needed assistance from EPA.

3. Paragraph A of Section V

It should be made clear that the State has primary responsibility for taking appropriate enforcement action against persons in violation of NPDES permits issued by the State only.

4. Paragraph B-2 of Section V

The pertinent provision of the federal regulations should be 40-CFR 124.44 (d).

Should you have any questions regarding the above comments, please do not hesitate to call us. A formal application for NPDES program approval is currently being drafted. However, we will be available to meet with you to resolve any outstanding requirements anytime at your convenience.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Henri P. Minette".

Henri P. Minette, Dr.P.H.  
Deputy Director for Environmental  
Health